



Citation: *DM v Minister of Employment and Social Development*, 2025 SST 1104

Social Security Tribunal of Canada
General Division – Income Security Section

Decision

Appellant: D. M.

Respondent: Minister of Employment and Social Development

Decision under appeal: Minister of Employment and Social Development
reconsideration decision dated (issued by Service
Canada)

Tribunal member: Carol Wilton

Decision date: August 5, 2025

File number: GP-25-936

Decision

[1] The appeal won't go ahead. This decision explains why.

Overview

[2] In November 2018, the Appellant, D. M., applied for an Old Age Security (OAS) pension. The Minister of Employment and Social Development (Minister) approved her application effective April 2019¹ with 32 years of Canadian residence.²

[3] The Appellant asked the Minister to reconsider. She stated that she had resided in Canada for 40 years, not 32. On March 3, 2021, the Minister reconsidered and maintained its decision.³

[4] The Appellant appealed the reconsideration decision to the Social Security Tribunal (Tribunal) on June 4, 2025.

What I have to decide

[5] I have to decide whether the Appellant appealed in time.

Reasons for my decision

[6] The appeal won't go ahead because the Appellant didn't appeal to the Tribunal in time. Here are the reasons for my decision.

What the law says

[7] If an appellant disagrees with the Minister's reconsideration decision, they have to appeal to the Tribunal within 90 days after the Minister told them about the decision.⁴

¹ This was the month after her 65th birthday.

² See GD2-69.

³ See GD2-69.

⁴ See section 52(1) of the *Department of Employment and Social Development Act* (DESD Act).

[8] If the appellant appeals after the deadline, the Tribunal can give them more time (accept the late appeal). But **in no case** can the appellant appeal a reconsideration decision more than one year after the Minister told them about it.⁵

The Appellant's appeal was more than one year late

[9] I find that the Appellant's appeal was more than one year late.

– The Minister told the Appellant about its decision on March 3, 2021

[10] The Minister told the Appellant about its reconsideration decision on March 3, 2021. Canada Post usually delivers mail within 10 days in Canada. It is reasonable to believe that this is what happened here. The Appellant would have received the decision by March 13, 2021.

– The Appellant had to appeal by March 14, 2022

[11] The Appellant had until March 14, 2022, to appeal to the Tribunal.⁶

[12] The Appellant appealed on June 4, 2025. This is more than three years after the deadline.

[13] The Tribunal doesn't have equitable jurisdiction. This means I can't allow the appeal to go ahead because I think it would be fair, or because I want to help the Appellant in difficult circumstances. I have to follow the law.

⁵ See section 52(2) of the DESD Act.

⁶ March 13, 2022, was 365 days after the Appellant presumably received the reconsideration decision. But that day was a Sunday.

Conclusion

[14] The Appellant appealed more than one year after the Minister told her about its decision.

[15] This means the appeal won't go ahead.

Carol Wilton

Member, General Division – Income Security Section